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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,341	03/31/2004	Dennis R. Berman	TRV03-0001-1	8341
28422	7590	06/14/2005	EXAMINER	
HOYT A. FLEMING III P.O. BOX 140678 BOISE, ID 83714			HARRIS, CHANDA L	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,341

Applicant(s)

BERMAN, DENNIS R.

Examiner

Chanda L. Harris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/31/04, 9/27/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 4/27/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed 4/27/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the documents are not in the proper form for the citation of electronic documents. See MPEP 707.05(e) for the guidelines for citing references retrieved from electronic resources. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

1. The use of the trademarks JAVASCRIPT, MICROSOFT INTERNET EXPLORER, MICROSOFT WINDOWS, DIRECTX, and OPENGL have been noted in this application. Applicant is required to review the specification for any other instances of trademarks and make the appropriate corrections. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2. The disclosure is objected to because of the following informalities: Page 1, Line 10: "a and" should be -- an --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, 8-15, 19, 21-28, 32, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath (US 2004/0009462) in view of Fujino et al. (US 6,755,662).

1. [Claims 1,14,27]: Regarding Claims 1,14, and 27, McElwrath discloses a program storage device, the program storage device (i.e., learning system database) containing computer readable instructions, that when executed by a computer, perform the following act: requesting a Web server to serve a Web document/image (i.e., homepage), the Web document/image including a plurality of objects that provide the ability to select (i.e., click on) one training course/training session from a plurality (i.e., menu) of training courses/training sessions. See p.29, [0633]. McElwrath discloses at least one of the plurality of training courses including a plurality of questions and a plurality of answers. See p.16, [0353].

McElwrath does not disclose expressly in addition to the plurality of answers, a plurality of keywords that form a part of the answers. However, Fujino teaches such (i.e., Keywords extracted from the questions and answers are recorded in "Question keyword" and "Answer keyword.") in Col.4: 31-32. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate a plurality of keywords that form a part of the answers into the method and system of McElwrath, in light of the teaching of Fujino, in order to enable a student to select a question compatible with his/her own question.

2. [Claims 2,15,28]: Regarding Claims 2,15, and 28, McElwrath discloses an element

(i.e., title) that indicates that one of the plurality of training courses is available. See p.29, [0633].

3. [Claims 6,19,32]: Regarding Claims 6,19, and 32, McElwrath discloses wherein the Web document includes an element that indicates that one of the plurality of training courses (i.e., modules within a course) was previously completed by a user. See p.10, [0189].

4. [Claims 8,21,34]: Regarding Claims 8, 21, and 34, McElwrath discloses wherein the Web document includes an element that identifies the title of at least one training course. See p.29, [0633].

5. [Claims 9,22,35]: Regarding Claims 9,22, and 35, McElwrath discloses wherein the element is one of the plurality of objects. See p.29, [0633].

6. [Claims 10-11, 23-24,36]: Regarding Claims 10-11,23-24, and 36 McElwrath discloses wherein the Web document includes an element that identifies the number of questions (i.e., 120 questions) in at least one training course and wherein the element is one of the plurality of objects. See p.8, [0143].

7. [Claims 12-13, 25-26]: Regarding Claims 12-13 and 25-26, McElwrath discloses wherein at least one training course from the plurality of training courses includes at least one session and wherein the Web document includes an element (i.e., session number) that identifies the number of sessions in the at least one training course. See p.33, [0738].

8. [Claim 37]: Regarding Claim 37, McElwrath discloses wherein the at least one

training session from the plurality of training sessions includes at least one part and wherein the Web document includes an element that identifies the number of parts (i.e., modules) in the at least one training session. See p.24, [0556].

9. [Claim 38]: Regarding Claim 38, McElwrath discloses wherein the at least one training session from the plurality of training sessions includes at least one training day and wherein the Web document includes an element that identifies the number (i.e., twenty days) of training days in the at in the at least one training session. See p.10, [0191-0192].

10. [Claim 39]: Regarding Claim 39, McElwrath discloses wherein the Web document includes an element (i.e., calendar) that identifies the number of training days completed in the at least one training session. See p. 11, [01920 and [0200].

Claim 3-5,16-18, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath/Fujino as applied to claims 1,2,14,15, and 28 above, and further in view of Sullivan et al. (US 6,662,365).

1. [Claims 3,16,29]: Regarding Claims 3,16, and 29, McElwrath/Fujino does not disclose expressly wherein the element is an icon having the shape of an unlocked padlock. However, Sullivan teaches the concept of using padlock icons in Col.7: 12-26. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate an icon having the shape of an unlocked padlocked into the method and system of McElwrath/Fujino, in light of the teaching of Sullivan, in order to indicate the status of a menu selection item.

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2. [Claims 4-5,17-18,30-31]: Regarding Claims 4-5,17-18, and 30-31, McElwrath/Fujino does not disclose expressly wherein the Web document includes an element that indicates that one of the plurality of training courses is unavailable and wherein the element is an icon having the shape of a locked padlock. However, Sullivan teaches such in Col.7: 12-26. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of McElwrath/Fujino, in light of the teaching of Sullivan, in order to provide an iconic indication of the status of a menu selection item.

Claims 7,20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath/Fujino as applied to claims 6, 19 and 32 above, and further in view of Beavers et al. (US 2004/0002049).

[Claims 7,20,33]: Regarding Claims 7,20, and 33, McElwrath/Fujino does not disclose expressly wherein the element is an icon having the shape of a check. However, Beavers teaches such (i.e., checkmark icon) on p.14, [0148]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate an icon having the shape of a check into the method and system of McElwrath/Fujino, in light of the teaching of Beavers, in order to indicate what selection was made.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Ziv-EI (US 6,302,698)
-keyword mode
- Ziv-EI (US 6,898,411)
-keywords
- Park (US 2003/0049592)
-keywords
- Corn et al. (US 2001/0053513)
-keywords
- Stansvik (US 2003/0027122)
-questions, answers, keywords
- Kerwin (US 2001/0036619)
-keywords present in answer
- Doi et al. (US 6,526,257)
-questions, keywords

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanda L. Harris
Primary Examiner
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